

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DANA MICHELLE JOHNSTON,	§	CIVIL ACTION NO.: G-06-460
INDIVIDUALLY AND AS	§	
SURVIVING SPOUSE TO MARION	§	
YEAGER, JR., DECEASED	§	
	§	
VS.	§	
	§	
FOREST OIL CORPORATION,	§	
HALLIBURTON COMPANY and	§	
HALLIBURTON ENERGY SERVICES, INC.	§	

PETITION IN INTERVENTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, SHANE MALACHI YEAGER, MINOR, BY HER NATURAL MOTHER AND NEXT FRIEND, ELIZABETH HERBERT; LACEY JANELLE YEAGER; AND MICHAEL GUICE YEAGER, hereinafter called Intervenors, and files this plea of intervention, showing the Court the following:

I.

This matter is brought under 33 § U.S.C. 905(b), the general maritime law, the law of the State of Texas and the law of any other jurisdiction that might properly apply.

II.

Intervenors are children of the deceased, Marion Yeager, Jr.

Defendant, Forest Oil Corporation has answered and appeared herein.

Defendants, Halliburton Company and Halliburton Energy Services, Inc. have answered and appeared herein.

III.

Marion Yeager, Jr., deceased, and father of Intervenor died on February 20, 2006 while working on a fixed platform off the coast of Galveston, Texas and while employed by Twachtman, Snyder & Byrd, Inc. He was killed as a result of being struck on the head by equipment on the platform.

IV.

At all relevant times, Defendants owned, operated, and controlled the platform on which Marion Yeager, Jr. died. Defendants owed Marion Yeager, Jr., Deceased, the duty to exercise reasonable care in operating the platform and to inspect for and remove any dangerous, unsafe, or hazardous conditions. Defendants breached their duties to Marion Yeager, Jr., Deceased, in failing to provide a safe place to work. Defendants' breach of their duties was a proximate cause of the injuries and death of Marion Yeager, Jr., Deceased, and the damages to Plaintiffs, SHANE MALACHI YEAGER, MINOR, BY HER MOTHER AND NEXT FRIEND, ELIZABETH HERBERT; LACEY JANELLE YEAGER; AND MICHAEL GUICE YEAGER.

VI.

The Defendants owed to the Plaintiffs a duty to furnish Marion Yeager, Jr., Deceased, a safe place to work and in this regard failed to do so, causing his death and the damages sustained by the Plaintiffs. These conditions were brought about and caused by the negligence of these Defendants, said negligence being approximate cause of the occurrence in question.

VII.

Your Plaintiff s would show that the Defendants were negligent through acts and omissions, jointly and severally, by and through agents, servants, and/or employees, acting in the course and scope of their respective employments, individually and/or collectively.

VIII.

Plaintiffs, SHANE MALACHI YEAGER, MINOR, BY HER MOTHER AND NEXT FRIEND, ELIZABETH HERBERT; LACEY JANELLE YEAGER; AND MICHAIL GUICE YEAGER were the children of Marion Yeager, Jr., Deceased and, as such, seek recovery of all damages to which they are entitled under the Texas Wrongful Death Statute and any other applicable law.

WHEREFORE, PREMISES CONSIDERED, Intervenorors pray that parties take notice of the filing of this plea in intervention and that on final hearing hereof Intervenorors have judgment against Defendants for all appropriate damages, costs of court, pre-judgment and post-judgment interest at the legal rate, attorney fees if appropriate, and such other and further relief, either at law or in equity, to which Intervenorors may show themselves entitled.

Respectfully submitted,

HAROLD EISENMAN, P.C.

By: /s/ Harold Eisenman
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ATTORNEY FOR INTERVENORS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plea in Intervention has been forwarded to all counsel of record by certified mail, return receipt requested, overnight express mail, facsimile and/or hand delivery, on the 13th day of September 2006.

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